

APPEAL NO. 042725
FILED DECEMBER 15, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on September 30, 2004. With regard to the only issue before him the hearing officer determined that the respondent (claimant) had disability from March 21, 2003, through August 19, 2004, and at no other times after August 19, 2004 (pursuant to an Order on Motion to Correct Clerical Error).

The attorney for the appellant (carrier) appeals, representing that while the parties at the CCH stipulated (or at least it was undisputed) to the named employer and carrier, that was in fact incorrect. The attorney requests the Appeals Panel to "take the necessary steps to have this loss charged to the appropriate Employer and Carrier." The file does not contain a response from the claimant

DECISION

Reversed and remanded.

The parties at the CCH stipulated that the claimant was the employee of employer P and it was undisputed that employer P's carrier was carrier F. On appeal the attorney representing carrier F represents that although the employer and carrier had been stipulated to by the parties, in fact the claimant was an employee of employer B which had workers' compensation insurance coverage through carrier O. The Insurance Carrier Information Form lists carrier F as the insurance carrier.

This case is similar to Texas Workers' Compensation Commission Appeal No. 042603, decided November 29, 2004, where a letter was sent to the Texas Workers' Compensation Commission (Commission) after the CCH advising that the carrier in that case did not have coverage. Similarly, in this case, we remand the decision to the hearing officer to determine who the correct employer and carrier are and to enter an appropriate decision and order.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Commission's Division of Hearings, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

The true corporate name of the insurance carrier is **FIDELITY & GUARANTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
701 BRAZOS STREET, SUITE 1050
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge